

AMENDED IN ASSEMBLY APRIL 13, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1105

Introduced by Assembly Member Gordon

February 18, 2011

An act to amend Section 149.6 of the Streets and Highways Code, and to amend Section 21460 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1105, as amended, Gordon. High-occupancy toll lanes: roadway markings.

(1) Existing law authorizes the Santa Clara Valley Transportation Authority (VTA) to conduct, administer, and operate a value pricing high-occupancy toll (HOT) lane program on 2 corridors included in the high-occupancy vehicle lane system in Santa Clara County.

~~This bill would provide that one or both of the corridors selected may be a corridor that extends into an adjacent county, subject to agreement of the congestion management agency or countywide agency responsible for preparation of the county transportation plan in that county, whichever is applicable~~ *such a HOT lane established on State Highway Route 101 may extend into San Mateo County as far as the high-occupancy vehicle lane in that county existed as of January 1, 2011, subject to agreement of the City/County Association of Governments of San Mateo County.*

Existing law requires revenues generated by a HOT lane corridor to be available to VTA for direct expenses related to the operation,

maintenance, construction, and administration of the corridor, with any remaining revenues to be used in the corridor where generated exclusively for preconstruction, construction, and other related costs of high-occupancy vehicle facilities and improvement of transit service, including support for transit operations.

This bill would require the remaining revenues generated by a HOT lane corridor that extends into ~~an adjacent county~~ *San Mateo County* to be shared for eligible purposes by the 2 counties pursuant to an agreement between VTA and the ~~applicable agency in the adjacent county~~ *City/County Association of Governments of San Mateo County*.

(2) Existing law prohibits a person from driving a vehicle to the left of double parallel solid lines, except in certain situations, including when turning to the left at an intersection or into or out of a driveway or private road. A violation of the Vehicle Code is a crime.

This bill would limit the above prohibition to double parallel solid yellow lines. The bill would prohibit a person driving a vehicle from crossing over any part of double parallel solid white lines except in the above situations or when entering or exiting designated areas of exclusive or preferential use lanes, as provided. By creating a new crime, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 149.6 of the Streets and Highways Code
2 is amended to read:
3 149.6. (a) Notwithstanding Sections 149 and 30800, and
4 Section 21655.5 of the Vehicle Code, the Santa Clara Valley
5 Transportation Authority (VTA) created by Part 12 (commencing
6 with Section 100000) of the Public Utilities Code may conduct,
7 administer, and operate a value pricing program on any two of the
8 transportation corridors included in the high-occupancy vehicle
9 lane system in Santa Clara County in coordination with the
10 Metropolitan Transportation Commission and consistent with

Section 21655.6 of the Vehicle Code. ~~One or both of the transportation corridors selected for a value pricing program under this section may be a corridor that extends into an adjacent county, subject to agreement of the congestion management agency or the countywide agency responsible for preparation of the county transportation plan pursuant to Section 66531 of the Government Code, whichever is applicable, in the adjacent county. A high-occupancy toll lane established on State Highway Route 101 pursuant to this section may extend into San Mateo County as far as the high-occupancy vehicle lane in that county existed as of January 1, 2011, subject to agreement of the City/County Association of Governments of San Mateo County.~~

(1) VTA, under the circumstances described in subdivision (b), may direct and authorize the entry and use of those high-occupancy vehicle lanes by single-occupant vehicles for a fee. The fee structure shall be established from time to time by the authority. A high-occupancy vehicle lane may only be operated as a high-occupancy toll (HOT) lane during the hours that the lane is otherwise restricted to use by high-occupancy vehicles.

(2) VTA shall enter into a cooperative agreement with the Bay Area Toll Authority to operate and manage the electronic toll collection system.

(b) Implementation of the program shall ensure that Level of Service C, as measured by the most recent issue of the Highway Capacity Manual, as adopted by the Transportation Research Board, is maintained at all times in the high-occupancy vehicle lanes, except that subject to a written agreement between the department and VTA that is based on operating conditions of the high-occupancy vehicle lanes, Level of Service D shall be permitted on the high-occupancy vehicle lanes. If Level of Service D is permitted, the department and VTA shall evaluate the impacts of these levels of service on the high-occupancy vehicle lanes, and indicate any effects on the mixed-flow lanes. Continuance of Level of Service D operating conditions shall be subject to the written agreement between the department and VTA. Unrestricted access to the lanes by high-occupancy vehicles shall be available at all times. At least annually, the department shall audit the level of service during peak traffic hours and report the results of that audit at meetings of the program management team.

1 (c) Single-occupant vehicles that are certified or authorized by
2 the authority for entry into, and use of, the high-occupancy vehicle
3 lanes in Santa Clara County, and, if applicable, ~~an adjacent county~~
4 *San Mateo County* as provided in subdivision (a), are exempt from
5 Section 21655.5 of the Vehicle Code, and the driver shall not be
6 in violation of the Vehicle Code because of that entry and use.

7 (d) VTA shall carry out the program in cooperation with the
8 department pursuant to a cooperative agreement that addresses all
9 matters related to design, construction, maintenance, and operation
10 of state highway system facilities in connection with the value
11 pricing program. With the assistance of the department, VTA shall
12 establish appropriate traffic flow guidelines for the purpose of
13 ensuring optimal use of the high-occupancy toll lanes by
14 high-occupancy vehicles without adversely affecting other traffic
15 on the state highway system.

16 (e) (1) Agreements between VTA, the department, and the
17 Department of the California Highway Patrol shall identify the
18 respective obligations and liabilities of those entities and assign
19 them responsibilities relating to the program. The agreements
20 entered into pursuant to this section shall be consistent with
21 agreements between the department and the United States
22 Department of Transportation relating to this program. The
23 agreements shall include clear and concise procedures for
24 enforcement by the Department of the California Highway Patrol
25 of laws prohibiting the unauthorized use of the high-occupancy
26 vehicle lanes, which may include the use of video enforcement.
27 The agreements shall provide for reimbursement of state agencies,
28 from revenues generated by the program, federal funds specifically
29 allocated to the authority for the program by the federal
30 government, or other funding sources that are not otherwise
31 available to state agencies for transportation-related projects, for
32 costs incurred in connection with the implementation or operation
33 of the program.

34 (2) The revenues generated by the program shall be available
35 to VTA for the direct expenses related to the operation (including
36 collection and enforcement), maintenance, construction, and
37 administration of the program. The VTA's administrative costs in
38 the operation of the program shall not exceed 3 percent of the
39 revenues.

(3) All remaining revenue generated by the program shall be used in the corridor from which the revenues were generated exclusively for the preconstruction, construction, and other related costs of high-occupancy vehicle facilities and the improvement of transit service, including, but not limited to, support for transit operations pursuant to an expenditure plan adopted by the VTA. To the extent a corridor extends into ~~an adjacent county~~ *San Mateo County* pursuant to subdivision (a), VTA and the ~~county agency in the adjacent county~~ *City/County Association of Governments of San Mateo County* shall, by agreement, determine how remaining revenue shall be shared for expenditure in Santa Clara County and ~~the adjacent county~~ *San Mateo County* consistent with this paragraph.

(f) (1) The VTA may issue bonds, refunding bonds, or bond anticipation notes, at any time to finance construction and construction-related expenditures necessary to implement the value pricing program established pursuant to subdivision (a) and construction and construction-related expenditures that are provided for in the expenditure plan adopted pursuant to paragraph (3) of subdivision (e), payable from the revenues generated from the program.

(2) The maximum bonded indebtedness that may be outstanding at any one time shall not exceed an amount that may be serviced from the estimated revenues generated from the program.

(3) The bonds shall bear interest at a rate or rates not exceeding the maximum allowable by law, payable at intervals determined by the authority.

(4) Any bond issued pursuant to this subdivision shall contain on its face a statement to the following effect:

“Neither the full faith and credit nor the taxing power of the State of California is pledged to the payment of principal of, or the interest on, this bond.”

(5) Bonds shall be issued pursuant to a resolution of VTA adopted by a two-thirds vote of its governing board. The resolution shall state all of the following:

- (A) The purposes for which the proposed debt is to be incurred.
- (B) The estimated cost of accomplishing those purposes.
- (C) The amount of the principal of the indebtedness.
- (D) The maximum term of the bonds and the interest rate.

1 (E) The denomination or denominations of the bonds, which
2 shall not be less than five thousand dollars (\$5,000).

3 (F) The form of the bonds, including, without limitation,
4 registered bonds and coupon bonds, to the extent permitted by
5 federal law, the registration, conversion, and exchange privileges,
6 if applicable, and the time when all of, or any part of, the principal
7 becomes due and payable.

8 (G) Any other matters authorized by law.

9 (6) The full amount of bonds may be divided into two or more
10 series and different dates of payment fixed for the bonds of each
11 series. A bond shall not be required to mature on its anniversary
12 date.

13 (g) Not later than three years after VTA first collects revenues
14 from any of the projects described in paragraph (1) of subdivision
15 (a), VTA shall submit a report to the Legislature on its findings,
16 conclusions, and recommendations concerning the demonstration
17 program authorized by this section. The report shall include an
18 analysis of the effect of the HOT lanes on adjacent mixed-flow
19 lanes and any comments submitted by the department and the
20 Department of the California Highway Patrol regarding operation
21 of the lanes.

22 SEC. 2. Section 21460 of the Vehicle Code is amended to read:

23 21460. (a) If double parallel solid yellow lines are in place, a
24 person driving a vehicle shall not drive to the left of the lines,
25 except as permitted in this section.

26 (b) If double parallel solid white lines are in place, a person
27 driving a vehicle shall not cross any part of those double solid
28 white lines, except as permitted in this section or Section 21655.8.

29 (c) If the double parallel lines, one of which is broken, are in
30 place, a person driving a vehicle shall not drive to the left of the
31 lines, except as follows:

32 (1) If the driver is on the side of the roadway in which the broken
33 line is in place, the driver may cross over the double lines or drive
34 to the left of the double lines when overtaking or passing other
35 vehicles.

36 (2) As provided in Section 21460.5.

37 (d) The markings as specified in subdivision (a), (b), or (c) do
38 not prohibit a driver from crossing the marking if (1) turning to
39 the left at an intersection or into or out of a driveway or private
40 road, or (2) making a U-turn under the rules governing that turn,

1 and the markings shall be disregarded when authorized signs have
2 been erected designating offcenter traffic lanes as permitted
3 pursuant to Section 21657.

4 (e) Raised pavement markers may be used to simulate painted
5 lines described in this section if the markers are placed in
6 accordance with standards established by the Department of
7 Transportation.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.